



PTO/SB/17 (10-08)

Approved for use through 06/30/2010. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number

Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).		Complete if Known	
FEE TRANSMITTAL For FY 2009		Application Number	10/560,358-Conf. #8888
		Filing Date	December 12, 2005
		First Named Inventor	Fumio Shimizu
		Examiner Name	K. R. Stork
		Art Unit	2178
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Attorney Docket No.	SON-3031
TOTAL AMOUNT OF PAYMENT	(\$)	540.00	

METHOD OF PAYMENT (check all that apply)

<input type="checkbox"/> Check	<input type="checkbox"/> Credit Card	<input type="checkbox"/> Money Order	<input type="checkbox"/> None	<input type="checkbox"/> Other (please identify): _____
<input checked="" type="checkbox"/> Deposit Account	Deposit Account Number: 18-0013	Deposit Account Name: Rader, Fishman & Grauer PLLC		
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)				
<input checked="" type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee			
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments			

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	330	165	540	270	220	110	
Design	220	110	100	50	140	70	
Plant	220	110	330	165	170	85	
Reissue	330	165	540	270	650	325	
Provisional	220	110	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	52	26
Each independent claim over 3 (including Reissues)	220	110
Multiple dependent claims	390	195

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims
_____ - or HP = _____	x _____	= _____		Fee (\$) Fee Paid (\$)
HP = highest number of total claims paid for, if greater than 20.				
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	
_____ - or HP = _____	x _____	= _____		
HP = highest number of independent claims paid for, if greater than 3.				

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$270 (\$135 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

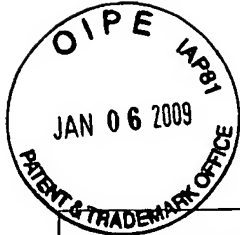
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____ - 100 = _____	/50 = _____	(round up to a whole number) x _____	= _____	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): 1402 Filing a brief in support of an appeal 540.00

SUBMITTED BY			
Signature		Registration No. (Attorney/Agent)	24,104/40,290
Name (Print/Type)	Ronald P. Kannan/Christopher M. Tobin	Telephone	(202) 955-3750
		Date	January 6, 2009

**TRANSMITTAL OF APPEAL BRIEF**Docket No.
SON-3031

In re Application of: Fumio Shimizu et al.

Application No.
10/560,358-Conf. #8888Filing Date
December 12, 2005Examiner
K. R. StorkGroup Art Unit
2178

Invention: EDITING DEVICE AND METHOD

TO THE COMMISSIONER OF PATENTS:

Transmitted herewith is the Appeal Brief in this application, with respect to the Notice of Appeal
filed: November 6, 2008 .

The fee for filing this Appeal Brief is \$ 540.00 .☒ Large Entity☐ Small Entity☐ A petition for extension of time is also enclosed.

The fee for the extension of time is _____ .

☐ A check in the amount of _____ is enclosed.☒ Charge the amount of the fee to Deposit Account No. 18-0013 .

This sheet is submitted in duplicate.

☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Director is hereby authorized to charge any additional fees that may be required or
credit any overpayment to Deposit Account No. 18-0013 .
This sheet is submitted in duplicate.

Dated: January 6, 2009

Ronald P. Kananen/Christopher M. Tobin
Attorney Reg. No. : 24,104/40,290
RADER, FISHMAN & GRAUER PLLC
1233 20th Street, N.W.
Suite 501
Washington, DC 20036
(202) 955-3750



Docket No.: SON-3031
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Fumio Shimizu et al.

Application No.: 10/560,358

Confirmation No.: 8888

Filed: December 12, 2005

Art Unit: 2178

For: EDITING DEVICE AND METHOD

Examiner: K. R. Stork

APPEAL BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is an Appeal Brief under 37 C.F.R. § 41.37 appealing the Final Office Action of the Examiner dated June 6, 2008. This Brief is also in furtherance of the Notice of Appeal previously filed on November 6, 2008 along with a Request for Pre-Appeal Brief Panel Review. A Panel Decision dated December 9, 2008 allowed this matter to proceed to the Board of Patent Appeals and Interferences.

01/07/2009 AWONDAF1 00000026 100013 10560358
01 FC:1402 540.00 DA

This brief contains items under the following headings as required by 37 C.F.R. § 41.37 and M.P.E.P. § 1206:

- I. Real Party In Interest
- II. Related Appeals, Interferences, and Judicial Proceedings
- III. Status of Claims
- IV. Status of Amendments
- V. Summary of Claimed Subject Matter
- VI. Grounds of Rejection to be Reviewed on Appeal
- VII. Argument
- VIII. Claims
- IX. Evidence
- X. Related Proceedings
- XI. Conclusion

- Appendix A Claims
- Appendix B Additional Evidence (none)
- Appendix C Related Proceedings (none)

I. REAL PARTY IN INTEREST

The real party in interest for this appeal is Sony Corporation, of Tokyo, Japan. An assignment of all rights in the present application to Sony Corporation was executed by the inventors and recorded by the United States Patent and Trademark Office at Reel 017376, Frame 0110.

II. RELATED APPEALS, INTERFERENCES, AND JUDICIAL PROCEEDINGS

There are no other appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

III.A. Current Status of Claims

A complete listing of the claims with corresponding status is provided as follows:

Claim 1. (Rejected).

Claim 2. (Cancelled).

Claim 3. (Cancelled).

Claim 4. (Rejected).

Claim 5. (Cancelled).

Claim 6. (Cancelled).

Claim 7. (Rejected).

Claim 8. (Rejected).

III.B. Claims On Appeal

Appellant hereby appeals the final rejection of claims 1, 4, 7, and 8.

IV. STATUS OF AMENDMENTS

A Non-Final Office Action rejecting claims 1-6 was mailed on November 27, 2007, and an Amendment responsive thereto was filed on April 28, 2008, amending claims 1 and 4, cancelling claims 2, 3, 5, and 6, and adding new claims 7-8. A Final Office Action rejecting the pending claims was mailed June 6, 2008, and a Request for Reconsideration was then filed on October 3, 2008. Following an Advisory Action maintaining the rejection of the claims in the Final Office Action, a Notice of Appeal and Request for Pre-Appeal Brief Panel Review was filed on November 6, 2008. A Decision on Panel Review dated December 9, 2008, allowed the matter to proceed to the Board of Patent Appeals and Interferences.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The following description is for illustrative purposes and is not intended to limit the scope of the invention.

Independent claim 1 recites: An editing device for executing an editing process based on a list specifying edit details and registering an obtained editing result in an external device, comprising (e.g., Clean Substitute Specification (hereinafter “Spec.”), pg. 2, line 12 – pg. 3, line 6; Spec., pg. 4, line 10 – pg. 8, line 20; FIG. 1):

processing means for performing a prescribed process on edit material (e.g., Spec., pg. 4, line 10 – pg. 8, line 20; Spec., pg. 8, line 21 – pg. 10, line 22; FIG. 1; FIG. 2);

registration means for registering the editing result in the external device (e.g., Spec. pg. 4, line 10 – pg. 8, line 20; Spec., pg. 25, line 9 – pg. 30, line 23); and

control means for controlling said processing means and said registration means (e.g., Spec. pg. 4, line 10 – pg. 8, line 20; FIG. 1), wherein

said control means controls said processing means so as to perform the process on only necessary parts out of the edit material and controls said registration means so as to register only a result of the process of the necessary parts in the external device as the editing result (e.g., Spec., pg. 5, line 18 – pg. 8, line 20), wherein

said control means controls said processing means so as to perform the process on only necessary parts out of the edit material based on the list and controls said registration means so as to register only a result of the process of the necessary parts as the editing result in the external device when the list being created is reproduced according to external operation in a creation mode of the list (e.g., Spec., pg. 5, line 18 – pg. 8, line 20), wherein

when a batch registration mode is set, and a registration request of the editing result based on the list entered by external operation is given after the list is finished, said control means controls said processing means so as to perform the process on only necessary parts of which a result of the process has not been registered in the external device, out of the necessary parts out of the edit material, and controls said registration means so as to register a result of the process of the

necessary parts in the external device as the editing result (e.g., Spec., pg. 5, line 18 – pg. 8, line 20); Spec., pg. 23, line 1 – pg. 25, line 8), and wherein

when a sequential registration mode is set, and a sequential part registration request is received when the list is being created, said control means controls said processing means so as to perform the process and control said registration means so as to register a sequential result of the process on only necessary parts that have not been registered in the external device (e.g., Spec., pg. 5, line 18 – pg. 8, line 20; Spec., pg. 23, line 1 – pg. 25, line 8).

Independent claim 4 recites: [a]n editing method of executing an editing process based on a list specifying edit details and registering an obtained editing result in an external device, comprising (e.g., Clean Substitute Specification (hereinafter “Spec.”), pg. 2, line 12 – pg. 3, line 6; Spec., pg. 4, line 10 – pg. 8, line 20; FIG. 1):

performing a prescribed process on edit material (e.g., Spec., pg. 4, line 10 – pg. 8, line 20; Spec., pg. 8, line 21 – pg. 10, line 22; FIG. 1; FIG. 2);

registering the editing result in the external device (e.g., Spec. pg. 4, line 10 – pg. 8, line 20; Spec., pg. 25, line 9 – pg. 30, line 23);

controlling said performing of the prescribed process and registering of the editing result so as to perform the process on only necessary parts out of the edit material and so as to register only a result of the process of the necessary parts in the external device as the editing result (e.g., Spec., pg. 5, line 18 – pg. 8, line 20), wherein

said controlling controls said performing of the prescribed process so as to perform the process on only necessary parts out of the edit material based on the list and controls said registering so as to register only a result of the process of the necessary parts as the editing result in the external device when the list being created is reproduced according to external operation in a creation mode of the list (e.g., Spec., pg. 5, line 18 – pg. 8, line 20), wherein

when a batch registration mode is set, and a registration request of the editing result based on the list entered by external operation is given after the list is finished, said controlling controls said performing of the prescribed process so as to perform the process on only necessary parts of which a result of the process has not been registered in the external device, out of the necessary parts out of

the edit material, and controls said registering so as to register a result of the process of the necessary parts in the external device as the editing result (e.g., Spec., pg. 5, line 18 – pg. 8, line 20); Spec., pg. 23, line 1 – pg. 25, line 8; FIGS. 12 and 13), and wherein

when a sequential registration mode is set, and a sequential part registration request is received when the list is being created, said controlling controls said performing the prescribed process so as to perform the process and controls said registering so as to register a sequential result of the process on only necessary parts that have not been registered in the external device (e.g., Spec., pg. 5, line 18 – pg. 8, line 20; Spec., pg. 23, line 1 – pg. 25, line 8; FIGS. 12 and 13).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The issues presented for consideration in this appeal, with separate arguments as noted in the following sections, are as follows:

Whether the Examiner erred in rejecting claims 1 and 4 under 35 U.S.C. § 102(e) as being anticipated by U.S. Pub. No. 2003/0206203 to Ly.

Whether the Examiner erred in rejecting claims 7 and 8 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pub. No. 2003/0206203 to Ly in view of U.S. Pub. No. 2003/0219226 to Newell et al.

These issues are discussed in the following section.

VII. ARGUMENT

VII.A. Introduction

In the Final Office Action of June 6, 2008, the Examiner erred in rejecting claims 1 and 4 under 35 U.S.C. § 102(e) as being anticipated by U.S. Pub. No. 2003/0206203 to Ly (“Ly”); and the Examiner erred in rejecting claims 7 and 8 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pub. No. 2003/0206203 to Ly (“Ly”) in view of U.S. Pub. No. 2003/0219226 to Newell et al. (“Newell”).

Consistent with the grouping of claims in the following section, these rejections are variously deficient as noted in the separate arguments.

VII.B. The Examiner erred in rejecting claims 1 and 4 under 35 U.S.C. § 102(e) as being anticipated by U.S. Pub. No. 2003/0206203 to Ly (“Ly”).

Ly discloses a method of collaborating with unstructured data using multiple concurrent collaboration displays. (Ly, para. [0010].) “Each collaboration display may use a selectable set of categories to display the data object.” (Ly, para. [0010].) “In this way, each collaboration display may be configured to view the data object with a desired level of structure.” (Ly, para. [0010].)

Ly discloses that “[b]y selecting and focusing on particular categories, each user may view the same data in a manner that is most effective for that particular user.” (Ly, para. [0011].) Accordingly, multiple concurrent users may use and arrange data in a way that “keeps the structure from impeding creativity.” (Ly, para. [0011].)

Ly discloses that a data arrangement may have several data objects, for instance data object 341. (Ly, para. [0085], FIG. 22.) The data objects of the data arrangement 322, 324 are stored in data arrangement files 329, 331. (Ly, para. [0085].) Different collaborating data arrangements may not display the same set of data objects. (Ly, para. [0086].) However, certain data objects may be “imported” from one data arrangement to another. (Ly, para. [0086]; see also data object 341 imported from data arrangement 322 into data arrangement 324 in Ly FIG. 22.) The importation is accomplished via a communication between the data arrangement files 329, 331 of the collaborating data arrangements 322, 324. (Ly, para. [0086].) Once the importation from data arrangement 322 to data arrangement 324 is complete, the imported data arrangement is shown as 341a. (Ly, para. [0086].)

Once the data object is imported, the imported data object may be either linked or unlinked to the original data object. (Ly, para. [0086].) If linked, then, if the user of a original data arrangement 322 makes changes to a original data object 341, the system may be configured to seek approval from the user of the importing data arrangement 324 before updating the change to the

corresponding imported data object 341a. (Ly, para. [0086].) The corresponding data object 341a could also not be updated at all. (Ly, para. [0086].)

Similarly, if the user of the imported data arrangement user makes changes to the imported data object, the imported data object may be linked and any changes may be reflected back to the original data object in the original data arrangement. (Ly, para. [0086].) Additionally, changes to the imported data objects could be reflected back to the original data object in the original data arrangement automatically or after an approval process. (Ly, para. [0086].)

Ly discloses that the collaboration framework allows clients to share their modifications, in near real time, with other clients. (Ly, para. [0089], lines 1-3.) When a user modifies the document, that collaborative edit is substantially immediately routed to all other interested parties via a collaboration server. (Ly, para. [0089].) Network traffic is minimized by propagating only the changes to collaborating clients, instead of the entire data set. (Ly, para. [0089].) “[C]hanges are propagated as proposed changes that are presented to users for acceptance.” (Ly, para. [0089].) “Using such proposed changes allows inputs from all users to be accommodated, but reduces errors from simultaneous changes and possible inconsistent displays.” (Ly, para. [0089].)

On the other hand, Applicant’s invention relates to an editing device and method which reduces the waiting time of editing data and is suitably applied to an on-air system used in a television broadcasting station. (Substitute Spec., pg. 1, lines 6-8; pg. 2, lines 12-14.)

Applicant’s claim 1 recites: *[a]n editing device for executing an editing process based on a list specifying edit details and registering an obtained editing result in an external device, comprising:*

processing means for performing a prescribed process on edit material;
registration means for registering the editing result in the external device; and
control means for controlling said processing means and said registration means, wherein said control means controls said processing means so as to perform the process on only necessary parts out of the edit material and controls said registration means so as to register only a result of the process of the necessary parts in the external device as the editing result, wherein

said control means controls said processing means so as to perform the process on only necessary parts out of the edit material based on the list and controls said registration means so as to register only a result of the process of the necessary parts as the editing result in the external device when the list being created is reproduced according to external operation in a creation mode of the list, wherein

when a batch registration mode is set, and a registration request of the editing result based on the list entered by external operation is given after the list is finished, said control means controls said processing means so as to perform the process on only necessary parts of which a result of the process has not been registered in the external device, out of the necessary parts out of the edit material, and controls said registration means so as to register a result of the process of the necessary parts in the external device as the editing result, and wherein

when a sequential registration mode is set, and a sequential part registration request is received when the list is being created, said control means controls said processing means so as to perform the process and control said registration means so as to register a sequential result of the process on only necessary parts that have not been registered in the external device.

Ly fails to disclose many of the features recited in claim 1. For instance, Ly suggests only editing based on user actions, disclosing that a user may interact with the data in a “freeform and creative way,” using “a graphical interaction device, such as a mouse, or other pointing device to arrange, add, and delete notes to facilitate a creative thought process.” (Ly, para. [0037].) Ly further discloses that the electronic process is constructed to “advantageously” use graphical interactions, “such as dragging and dropping functions, for facilitating ease of use and efficient interactions.” (Ly, para. [0037].) Ly also discloses that modifications are shared with other clients, routing the edited data to other interested parties. (Ly, para. [0088] and [0089].)

But Ly makes no mention whatsoever of “[a]n editing device for executing an editing process based on a list specifying edit details and registering an obtained editing result in an external device[.]”

Further, Ly fails to disclose or suggest “[a]n editing device... wherein [a] control means controls [a] processing means so as to perform the process on only necessary parts out of the edit

material based on the list and controls said registration means so as to register only a result of the process of the necessary parts as the editing result in the external device when the list being created is reproduced according to external operation in a creation mode of the list.”

In the Advisory Action, the Examiner disagrees stating, “[o]nce a user performs a change, the changes are routed to other clients, allowing for the change to be accepted or rejected. This propagated change constitutes at least a single item list, specifying the details of the edit.” (Advisory Action, Continuation Sheet, 11.)

However, this construal of Ly clearly mistakes processing with registering only a result of the process of the necessary parts as the editing result in the external device. Nevertheless, even if it is presumed that the propagated change of Ly constitutes a “single item list,” Ly does not disclose, among other things, that the editing process itself (i.e. the performed change which is propagated) was made based on a list specifying edit details as recited in claim 1.

Ly also fails to disclose or suggest batch registration modes, with the batch registration mode registering the editing result after the list specifying edit details is finished. Specifically, Ly fails to disclose or suggest “[a]n editing device... wherein when a batch registration mode is set, and a registration request of the editing result based on the list entered by external operation is given after the list is finished, [a] control means controls [a] processing means so as to perform the process on only necessary parts of which a result of the process has not been registered in [an] external device, out of the necessary parts out of the edit material, and controls [a] registration means so as to register a result of the process of the necessary parts in the external device as the editing result[.]”

Ly suggests only manual operations on data, disclosing that a user may interact with the data in a “freeform and creative way,” using “a graphical interaction device, such as a mouse, or other pointing device to arrange, add, and delete notes to facilitate a creative thought process.” (Ly, para. [0037].) Further implying manual operations on data, Ly discloses that the electronic process is constructed to “advantageously” use graphical interactions, “such as dragging and dropping functions, for facilitating ease of use and efficient interactions.” (Ly, para. [0037].)

In response to the arguments in Applicant's April 28, 2008 Amendment, the Office Action alleges that "an option allows for approval of updates. In this instance, the batch of updates are held, and do not occur until a reviewer approves the updates." (Office Action, pg. 6, lines 19-21.) Apparently alleging that the "option allow[ing] for approval of updates" constitutes setting a batch registration mode, with the batch registration mode registering the editing result after the list specifying edit details is finished, the Office Action seems to highlight significant differences between the present invention and the disclosure of Ly.

Ly discloses that "if the user of data arrangement 322 makes a change to data object 341, the system could be configured to automatically update data object 341a, or to seek approval from the user of data arrangement 329 before making an update to data objection 341a, or not update data object 341a at all." (Ly, para. [0086].)

It should be noted that whether or not the change made by user of data arrangement 322 to data object 341 is updated in the corresponding data object 341a in data arrangement 324, the change to data object 341 is made regardless of whether the user of data arrangement 329 allows data object 341a to be updated or not. In other words, Ly does not disclose that the actual editing to data object 341 is performed by batch processing, but merely that after changes are made to data object 341, the updating of corresponding data object 341a may be postponed by another collaborative user.

Because Ly fails to teach, disclose, or suggest each and every limitation of claim 1, Appellant respectfully requests reversal of the Examiner's rejection of claim 1 under 35 U.S.C. § 102(e) as being anticipated by Ly. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) ("A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference"); *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1566 (Fed. Cir. 1989) ("The identical invention must be shown in as complete detail as is contained in the ... claim.").

For reasons similar to those provided regarding claim 1, Ly fails to teach, disclose, or suggest each and every limitation of claim 4. Accordingly, Appellant respectfully requests reversal of the Examiner's rejection of claim 1 under 35 U.S.C. § 102(e) as being anticipated by Ly.

VII.C. The Examiner erred in rejecting claims 7 and 8 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pub. No. 2003/0206203 to Ly ("Ly") in view of U.S. Pub. No. 2003/0219226 to Newell et al. ("Newell").

Claims 7 and 8 depend from claims 1 and 4, respectively, and thus incorporate the features recited therein. For the reasons stated above, Ly fails to teach, disclose, or suggest many of the features incorporated into claims 7 and 8, and Newell does not remedy the deficiencies of Ly.

Newell discloses "a method and system for accessing video data stored on a hard disk storage device." (Newell, para. [0009].) Newell's disclosure involves a processor "used to generate a preview sequence comprising video sequences extracted from each video program in the storage device." (Newell, para. [0009].) "The preview sequence may be provided as a grid containing a plurality of video sequences and other textual or graphical data related to the programs displayed, or may be provided as a sequence of video sequences." (Newell, para. [0009].) Further, Newell discloses that "[t]he processor also generates a graphical use interface to allow a user to select a video program from video sequences that are displayed." (Newell, para. [0010].) Then, "[o]nce selected, the program corresponding to the video sequence may be viewed, deleted, or edited." (Newell, para. [0010].)

The Newell reference is apparently relied upon for its disclosure wherein the sequential part registration is prompted by a selection of a preview command; however, the reference offers no disclosure or suggestion of the features described above as being absent from Ly.

Because the relied-upon references, even in combination, still fail to yield Applicant's claimed invention, a prima facie case of obviousness has not been presented regarding claims 7 or 8. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Accordingly, Appellant respectfully requests reversal of the Examiner's rejection of claims 7 and 8 under 35 U.S.C. 103(a) as being unpatentable over Ly in view of Newell.

VIII. CLAIMS

A copy of the claims involved in the present appeal is attached hereto as Appendix A.

IX. EVIDENCE

No evidence pursuant to §§ 1.130, 1.131, or 1.132, or additional evidence entered by or relied upon by the Examiner is being submitted.

X. RELATED PROCEEDINGS

No related proceedings are referenced in section II above, or copies of decisions in related proceedings are not provided.

XI. CONCLUSION

For the reasons stated above, claims 1, 4, 7, and 8 are considered allowable. Reversal of the Examiner's decision is respectfully requested.

Dated: January 6, 2009

Respectfully submitted,

By 

Ronald P. Kananen

Registration No.: 24,104

Christopher M. Tobin

Registration No.: 40,290

RADER, FISHMAN & GRAUER PLLC

Correspondence Customer Number: 23353

Attorneys for Appellant

APPENDIX A - CLAIMS

1. (Previously presented) An editing device for executing an editing process based on a list specifying edit details and registering an obtained editing result in an external device, comprising:

processing means for performing a prescribed process on edit material;

registration means for registering the editing result in the external device; and

control means for controlling said processing means and said registration means, wherein

said control means controls said processing means so as to perform the process on only necessary parts out of the edit material and controls said registration means so as to register only a result of the process of the necessary parts in the external device as the editing result, wherein

said control means controls said processing means so as to perform the process on only necessary parts out of the edit material based on the list and controls said registration means so as to register only a result of the process of the necessary parts as the editing result in the external device when the list being created is reproduced according to external operation in a creation mode of the list, wherein

when a batch registration mode is set, and a registration request of the editing result based on the list entered by external operation is given after the list is finished, said control means controls said processing means so as to perform the process on only necessary parts of which a result of the process has not been registered in the external device, out of the necessary parts out of the edit material, and controls said registration means so as to register a result of the process of the necessary parts in the external device as the editing result, and wherein

when a sequential registration mode is set, and a sequential part registration request is received when the list is being created, said control means controls said processing means so as to perform the process and control said registration means so as to register a sequential result of the process on only necessary parts that have not been registered in the external device.

2. (Cancelled).

3. (Cancelled).

4. (Previously presented) An editing method of executing an editing process based on a list specifying edit details and registering an obtained editing result in an external device, comprising:

performing a prescribed process on edit material;

registering the editing result in the external device;

controlling said performing of the prescribed process and registering of the editing result so as to perform the process on only necessary parts out of the edit material and so as to register only a result of the process of the necessary parts in the external device as the editing result, wherein

said controlling controls said performing of the prescribed process so as to perform the process on only necessary parts out of the edit material based on the list and controls said registering so as to register only a result of the process of the necessary parts as the editing result in the external device when the list being created is reproduced according to external operation in a creation mode of the list, wherein

when a batch registration mode is set, and a registration request of the editing result based on the list entered by external operation is given after the list is finished, said controlling controls said performing of the prescribed process so as to perform the process on only necessary parts of which a result of the process has not been registered in the external device, out of the necessary parts out of the edit material, and controls said registering so as to register a result of the process of the necessary parts in the external device as the editing result, and wherein

when a sequential registration mode is set, and a sequential part registration request is received when the list is being created, said controlling controls said performing the prescribed process so as to perform the process and controls said registering so as to register a sequential result of the process on only necessary parts that have not been registered in the external device.

5. (Cancelled).

6. (Cancelled).

7. (Previously presented) The editing device according to claim 1, wherein said sequential part registration request is prompted by a selection of a preview command when the list is being created.

8. (Previously presented) The editing method according to claim 4, wherein said sequential part registration request is prompted by a selection of a preview command when the list is being created.

APPENDIX B – ADDITIONAL EVIDENCE

None.

APPENDIX C – RELATED PROCEEDINGS

None.